

TENTATIVE RULINGS for CIVIL LAW and MOTION

April 9, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. If no hearing is requested, the tentative ruling is effective immediately. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **Branner v. The Regents of the University of California, et al.**
Case No. CV CV 08-2007

Hearing Date: **April 9, 2009** **Department Fifteen** **9:00 a.m.**

Defendants The Regents of the University of California and Barbara Horwitz' motion for attorney's fees pursuant to Code of Civil Procedure section 425.16 is **GRANTED** in the amount of \$20,120.50. (Declaration of George Acero ¶ 9 and Exhibit B thereto.) Attorney's fees may be awarded under the anti-SLAPP statute to a prevailing defendant, even if the complaint against that defendant is brought under the Fair Employment and Housing Act ("FEHA"). (See, e.g., *Gallanis-Politis v. Medina* (2007) 152 Cal.App.4th 600, 619.) The cases the plaintiff cites in his opposition brief are based on fee awards under the FEHA, not the anti-SLAPP statute.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

CASE: **Chase Bank USA, N.A. v. Heath**
Case No. CV G 08-2577

Hearing Date: **April 9, 2009** **Department Fifteen** **9:00 a.m.**

Chase Bank USA, N.A.'s unopposed motion for judgment on the pleadings is **GRANTED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 438.) Plaintiff shall promptly submit to the Court a form of judgment. Plaintiff shall give the defendant notice of this ruling by no later than April 13, 2009, and file a proof of service showing such notice.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as described herein, is required.

TENTATIVE RULING

CASE: **Guerrero v. Galloway**
Case No. CV CV 03-540

Hearing Date: **April 9, 2009** **Department Fifteen** **9:00 a.m.**

This matter is **CONTINUED** on the Court's own motion to Thursday, April 23, 2009, at 9:00 a.m. in Department Fifteen.

TENTATIVE RULING

Case: **Jones v. Sacramento Dispatch**
Case No. CV G 08-925

Hearing Date: **April 9, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiffs' motion to disqualify opposing counsel is **DENIED**. (*Meehan v. Hopps* (1956) 144 Cal.App.2d 284, 290-291.)

TENTATIVE RULING

CASE: **Shao v. Pacific Mechanical Corporation**
Case No. CV CV 08-680

Hearing Date: **April 9, 2009** **Department Fifteen** **9:00 a.m.**

The petitioner and the minor are directed to appear or to show good cause why the petitioner and the minor should not be required to appear. (Cal. Rules of Court, rule 7.952.) If the petitioner and the minor choose to show good cause, they should do so by filing a declaration before the hearing setting the forth the facts supporting good cause. If the parties fail to appear at the hearing and the Court has not excused their personal appearance, the petition will be denied without prejudice. No request for a hearing is required.

TENTATIVE RULING

Case: **United Road Service, Inc. v. Aggressive Transport, LTD. et al.**
Case No. CV PM 07-1049

Hearing Date: **April 9, 2009** **Department Fifteen** **9:00 a.m.**

Cross-defendant Kia Motors America, Inc.'s demurrer to the first, second, third, fourth and fifth causes of action in the second amended cross-complaint is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e).) The Court previously gave cross-complainants two opportunities to amend their cross-complaint to state facts sufficient to constitute a cause of action against Kia Motors America, Inc. and cross-complainants failed to do so.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.